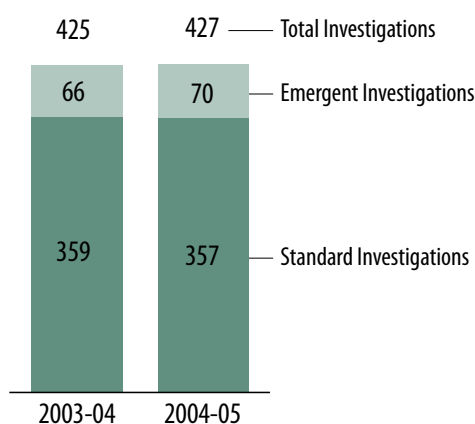


RESPONDING TO COMPLAINTS

The Ombudsman investigates and analyzes every complaint that it receives.¹ Through impartial investigation and analysis, the office determines an appropriate response. The Ombudsman may respond by working to change a decision by the Department of Social and Health Services (DSHS) or another agency, or the office may take no further action because it has determined that the agency has properly carried out its duties.

Type of Investigations Completed

September 1 to August 31



Source: Office of the Office of the Family and Children's Ombudsman, January 2006

Completed Investigations

Between September 1, 2003 and August 31, 2004 (referred to as Reporting Year 2004 throughout this report), the Ombudsman completed 425 complaint investigations.² For the same period in 2004-2005 (Reporting Year 2005), a total of 427 investigations were completed.³ For both reporting years, the majority of completed investigations were standard non-emergent investigations (84%). One out of every six investigations met the Ombudsman's criteria for initiating an emergent investigation, most often involving complaints about a child's safety, or where timely intervention by the Ombudsman could make a significant difference to a child or family's immediate well-being.

Analyzing Complaints

The objective of a complaint investigation is to determine whether DSHS or another agency should be induced to change a decision because the Ombudsman has concluded that the agency has violated law, policy or procedure, and/or unreasonably exercised its authority.

The Ombudsman's analysis begins when the lead Ombudsman presents his or her written investigative report at a weekly team review meeting.

¹ The Ombudsman may also initiate an investigation without a complaint. During the reporting period, the office initiated seven investigations as a result of independent information obtained, for example, by way of news reports. Three of these investigations remained open at the end of the reporting period. Two investigations were closed after the Ombudsman's concerns were resolved, and two were closed after intervention by the Ombudsman (see next section on findings). These four closed investigations are included in the data in this section.

² Of the 425 investigations completed in 2004, 81% were investigations of complaints received during the reporting year, while 19% were of complaints received in a previous year. At the end of the reporting year, 3% of complaint investigations were still open. Of the 427 investigations completed in 2005, those figures are 83%, 18%, and 17% respectively.

³ For the purposes of this section, investigations of complaints raising identical issues involving the same child/family are counted only once. The actual number of complaints closed, including these identical complaints from more than one complainant, was 458 in 2004, and 453 in 2005.

Team Review

Team review includes the Ombudsman director and the office's other Ombudsman staff, who have extensive professional experience in law and social work.

The Ombudsman's report provides a detailed background of the case and sets forth specific complaint issues, the Ombudsman's analysis of each issue, and his or her recommendation about how the Ombudsman should respond. These confidential reports are for internal use only and are not released to the complainant or the agency.

After reading the report and listening to the Ombudsman's summary, the team members may pose questions, test assumptions, identify information gaps, identify problematic policy or practice issues, raise additional issues for investigation or analysis, offer an alternative analysis or recommendation, and/or play "devil's advocate."

While the Ombudsman review team generally reaches a consensus when determining the merits of each complaint, the director has ultimate decision-making authority.

If the Ombudsman determines that a complaint does not meet the applicable criteria (see sidebar), the lead Ombudsman personally notifies the complainant and explains the office's rationale for not taking further action. Additionally, the Ombudsman refers the complainant to an agency or resource that may be of assistance. The investigation is then closed.

If the Ombudsman determines that a complaint meets the criteria, the lead Ombudsman brings the matter to the attention of appropriate agency officials. The specific action taken by the Ombudsman will depend on the facts and circumstances of the individual complaint. (See "Responding to Complaints" section for a selection of case studies illustrating how the Ombudsman resolves complaints.)

When the Ombudsman takes action on a complaint, the person who filed the complaint is informed of the progress and final resolution of the case. Complaints are often resolved during the course of the Ombudsman's investigation – even before the Ombudsman has made a determination on whether the criteria were met. When this occurs, the lead Ombudsman presents the complaint to the Ombudsman review team, documents any problematic policy or practice issues, and then closes the investigation.

The Ombudsman acts as an impartial fact finder and not as an advocate,

so the review team's focus is on determining whether the issues raised in the complaint meet the following objective criteria:

- The alleged agency conduct is within the Ombudsman's jurisdiction.
- The alleged agency action or inaction did occur.
- The agency action or inaction violated law, policy or procedure or was clearly inappropriate or unreasonable under the circumstances.
- The agency's action or inaction was harmful to a child's safety, health, well-being, or right to a permanent family. Or it was harmful to appropriate family preservation, contact or reunification.

Emergent Investigations

The Ombudsman criterion for initiating an emergent investigation:

If true, the alleged agency action or inaction places the safety or well-being of a child or family at imminent risk of harm.

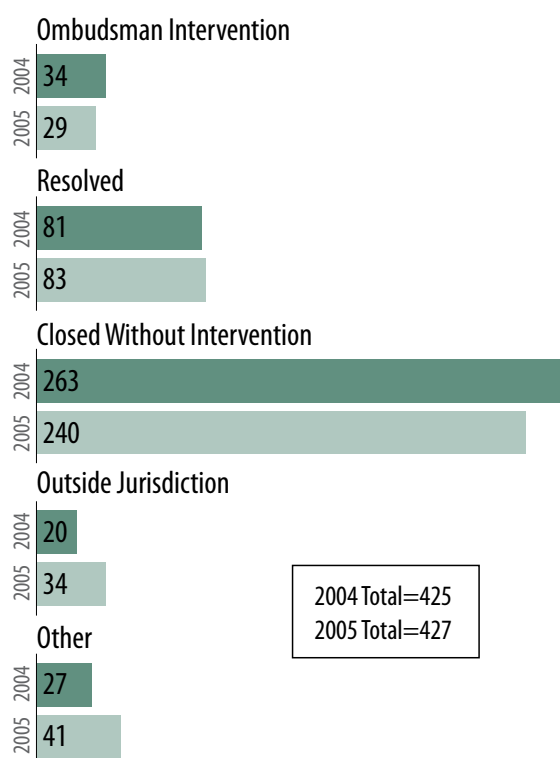
been resolved. Another 19% of investigations were closed with the complaint issue having been resolved either with or without assistance from the Ombudsman. Examples of such cases include efforts to ensure that critical information was obtained and considered by the agency, or facilitating timely communication among the people involved in order to resolve the problem. A further 62% of investigations were closed after the Ombudsman either found no basis for the complaint, or found no unauthorized or unreasonable actions by the agency warranting the Ombudsman's intervention. Five percent of complaints fell outside the Ombudsman's jurisdiction, while the remaining investigations (6%) were closed with no further action, due to the complaint being withdrawn, becoming moot, or where further action was not feasible for other reasons.

For the same period in 2004-2005, 7% of complaints required direct intervention by the Ombudsman, 19% were closed as resolved, 56% were closed with no further action, 8% fell outside the Ombudsman's jurisdiction, and the remaining 10% were withdrawn, moot, or not feasible.

Investigation Results

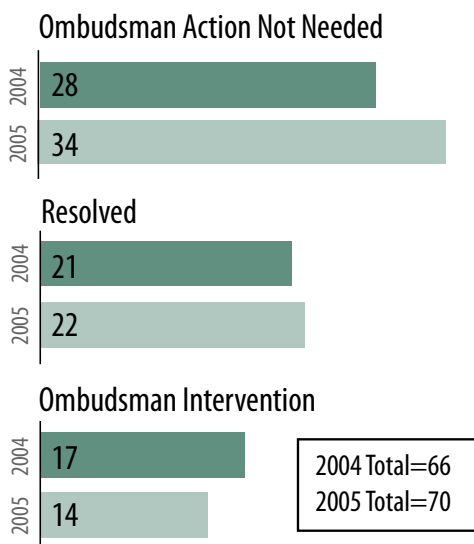
Between September 1, 2003 and August 31, 2004, 8% of all complaint investigations required direct intervention by the Ombudsman to induce the agency to correct an unauthorized or unreasonable decision or course of action (see Chart 1). These investigations were almost always closed with the complaint issue having

Chart 1: All Investigation Results, 2004 & 2005



Source: Office of the Family and Children's Ombudsman, January 2006

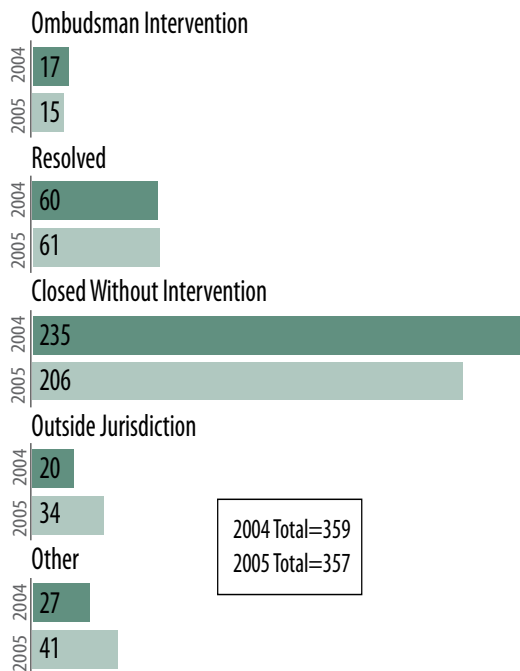
**Chart 2: Emergent Investigation Results
2004 & 2005**



Source: Office of the Family and Children's Ombudsman, January 2006

Chart 2 shows the breakdown of results of complaints that were the subject of emergent investigation for 2004 and 2005, respectively.

**Chart 3: Standard Investigation Results
2004 & 2005**



Source: Office of the Family and Children's Ombudsman, January 2006

Chart 3 shows the results of complaints that were the subject of a standard (non-emergent) investigation for each reporting year.